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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,825	06/01/2004	Chien-Shan Huang	12706-US-PA	3824

31561 7590 08/07/2006

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

CONNOLLY, MARK A

ART UNIT PAPER NUMBER

2115

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,825

Applicant(s)

HUANG ET AL.

Examiner

Mark Connolly

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/11/05 & 5/11/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-19 have been presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants Admitted Prior Art [AAPA] in view of Stückelberg et al. [Stu] Linux Remote-Boot mini-HOWTO: Configuring Remote-Boot Workstations with Linux, DOS, Windows 95/98 and Windows NT.

4. Referring to claim 1, AAPA teaches the remote booting method substantially including:
 - a. executing a BIOS and determining whether to execute a remote boot procedure [¶0008].
 - b. downloading and executing a loader program when the remote boot procedure is executed [¶0010].
 - c. allocating a memory block on the computer and installing a file system in the memory block [¶0011].
 - d. downloading a file to the file system [¶0011].

Although the AAPA teaches the limitations above, it is not explicitly taught that the remote booting method downloads a configuration file, wherein the configuration file comprises

a size of an allocated memory and a file list and wherein a memory block on the computer is allocated according to the size of the allocated memory.

Stu teaches a batch file (herein interpreted as a configuration file) which comprises a size of an allocated memory and a file list wherein memory is allocated and a file system is installed according to the configuration file [pgs. 14 and 41-42]. It would have been obvious to one of ordinary skill in the art to modify the AAPA to include the teachings of Stu because it would provide a means to boot to a plurality of different operating systems including Windows, DOS, Linux, etc... and would provide a means to appropriately configure the computer in accordance with the particular operating systems.

5. Referring to claim 2, the AAPA teaches installing a virtual disk drive according to the file system and booting the computer via the virtual disk drive [¶0010].
6. Referring to claim 3, the AAPA teaches the file system comprising a boot sector, file allocation table, a directory and the file [¶0011].
7. Referring to claim 4, the AAPA teaches determining whether to execute a remote boot procedure depends on a setting of the BIOS [¶0007].
8. Referring to claims 5-6 and 10, these are rejected on the same basis as set forth hereinabove. The AAPA and Stu teach the method and therefore teach the system performing the method.
9. Referring to claim 7, the AAPA teaches a network boot device comprising a Boot ROM on a network card [¶0007].
10. Referring to claims 8 and 9, the AAPA teaches the boot device comprises a PXE agent and a stand alone system [¶0010].

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11. Referring to claims 11-19, these are rejected on the same basis as set forth hereinabove.

The AAPA and Stu teach the method and therefore teach the devices performing the method.

Furthermore, the AAPA teaches remote booting from a server, which may comprise blade and rack mountable servers [¶0006-0007]. In addition, the examiner is taking official notice that double-CPU servers are well known in the art and it would have been obvious to include the ability to boot from a double-CPU server, in addition to the rack mountable and blade servers, in order make the system more robust by including the ability to boot from additional types of servers.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Connolly whose telephone number is (571) 272-3666. The examiner can normally be reached on M-F 8AM-5PM (except every first Friday).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark Connolly
Examiner
Art Unit 2115

mc
July 27, 2006



THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100